

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KENNETH J. STAR,

Plaintiff,

v.

No. CIV-10-1131 GBW

SOCIAL SECURITY  
ADMINISTRATION, Michael  
J. Astrue, Commissioner of SSA,

Defendant.


ORDER

Plaintiff, who is seeking judicial review of the denial of his application for social security benefits, filed a Motion for Leave to Proceed in forma pauperis (*Doc. 2*). “In order to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Lister v. Dep’t Of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005)(citation omitted). Section 1915(a)(1) applies to all plaintiffs seeking IFP status. *Id.*; see also *Griffin v. Zavaras*, 336 F. App’x 846, 849 n.2 (10th Cir. 2009). Neither Plaintiff’s complaint nor his motion set forth any basis on which the Court may evaluate whether he has “a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Lister*, 408 F.3d at 1312. As such, the Court

cannot, at this time, grant Plaintiff's Motion.<sup>1</sup>

Plaintiff will have thirty (30) days to cure this defect by either filing an amended complaint or additional briefing. The amended complaint or the additional briefing shall present Plaintiff's argument on the law and facts in support of the issues raised. After the selected filing has been made, or at the expiration of thirty days, the Court will then determine whether Plaintiff has met the test put forward in *Lister* and rule on Plaintiff's Motion.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> Because Plaintiff has failed to present any argument or factual allegations relevant to *Lister*'s second prong, the Court need not address whether Plaintiff has shown a financial inability to pay the required filing fees.